

This Agreement is entered into between:

DR. VINCENZO VISCONTI
(hereinafter to as "Dr. Visconti")

OF THE FIRST PART

-and-

DR. MICHAEL CAFFARO, COMPLAINTS
DIRECTOR OF THE COLLEGE OF
PHYSICIANS & SURGEONS OF ALBERTA
(hereinafter the "Complaints Director")

OF THE SECOND PART

**TERMS OF RESOLUTION PURSANT TO SECTION 55(2)(a.1) OF THE
HEALTH PROFESSIONS ACT (hereinafter referred to as the "Agreement")**

RECOGNIZING THAT:

- a. the College of Physicians & Surgeons of Alberta (the "College") received complaints in March and April of 2015 regarding Dr. Visconti's prescribing practice and his direction to patients to utilize only the [REDACTED] (the "Prescribing Issues");
- b. the investigation undertaken by the College expanded into an investigation into the use of the health service code 03.03N, with late evening modifiers (the "Billing Issues");
- c. Dr. Visconti had previously been ordered by the Council of the College on June 3, 2011 to undergo peer reviews given 31 findings of unbecoming conduct under the *Medical Profession Act*;
- d. Dr. [REDACTED] of the College, reported to the Complaints Director of the College, by letter dated October 31, 2017 that the latest of the peer reviews undertaken in accordance with the Order of Council demonstrated concerns regarding the prescribing of opioids by Dr. Visconti which were drastically higher than other physicians and which showed a trend of increasing over time rather than decreasing despite chronic pain guidelines outlining the need to decrease dependence on long term opioids for non-malignant chronic pain (the "Peer Review Issues");
- e. In consideration of the information gathered through the investigation being undertaken into the Prescribing Issues, the Billing Issues and the Peer Review Issues, the

Complaints Director of the College requested the Registrar of the College to impose a suspension upon Dr. Visconti's Practice Permit pending the completion of the investigation and the Registrar of the College, after giving opportunity to Dr. Visconti to respond, directed that Dr. Visconti's Practice Permit be suspended effective April 27, 2018;

- f. the Complaints Director of the College has determined that there is sufficient evidence to refer the Prescribing Issues, the Billing Issues and the Peer Review Issues to a Hearing Tribunal of the College, and a copy of the draft Notice of Hearing is attached to this Undertaking as Schedule A;
- g. The Complaints Director and Dr. Visconti do not wish to enter into the Alternative Complaint Resolution process outlined in Sections 58 to 60 of the Health Professions Act (the "Act");
- h. The College is currently processing other outstanding complaints against Dr. Visconti, which are at various stages of the complaint process, including complaint File No. [REDACTED] and File No. [REDACTED] (the "other complaints");
- i. The Complaints Director and Dr. Visconti are agreeable to the terms of resolution set out herein in accordance with Section 55 (2)(a.1) of the Act;

IN CONSIDERATION of the Complaints Director not completing the referral of the issues in the draft Notice of Hearing to a hearing before a Hearing Tribunal, and dismissing or otherwise is ceasing to process the Other Complaints, the sufficiency of which is hereby acknowledged by Dr. Visconti, Dr. Visconti has agreed to enter into this Undertaking with the College as follows:

- 1. Effective immediately, Dr. Visconti hereby unconditionally requests the Registrar to cancel his registration and practice permit with the College in accordance with Section 43(5) of the Act.
- 2. Dr. Visconti shall promptly return his practice permit to the College.
- 3. Dr. Visconti shall pay the costs of the investigations [REDACTED], [REDACTED] and [REDACTED] to the College within 30 days of receiving a statement of costs from the Complaints Director.
- 4. Dr. Visconti shall not to apply for re-instatement with the College, and agrees that he shall not apply for registration with any other professional regulatory authority governing the practice of medicine in any other jurisdiction.
- 5. Dr. Visconti further agrees and acknowledges that the Registrar of the College, in response to any inquiry by a professional regulatory authority or on a Certificate of Standing, is entitled to disclose that Dr. Visconti has requested the cancellation of his practice permit and registration under the Act and has retired from the practice of medicine, the existence and particulars of the allegations and the findings in regards to the College investigation into the Prescribing Issues, the Billing Issues and the Peer Review Issues, and the circumstances outlined in this Agreement.

6. The Registrar shall be at liberty to publish to the public and the profession the terms of this Agreement in accordance with section 119 of the Act, including a summary of the findings from the investigations into the Prescribing Issues, the Billing Issues and the Peer Review Issues.

Dated at the City of Edmonton, in the Province of Alberta, this ____ day of October, 2018.



DR. VINCENZO VISCONTI

DATE

COLLEGE OF PHYSICIANS & SURGEONS OF
ALBERTA

Per:



DR. MICHAEL CAFFARO

DATE